

RECEIVED  
CENTRAL FAX CENTER

DEC 12 2006

Varian, Inc.  
3120 Hansen Way, M/S D-102  
Palo Alto, CA 94304-1030 U.S.A.

Phone: 650.424.5086  
Fax: 650.424.3827

bella.fishman@varianinc.com  
www.varianinc.com

**To** Examiner, Dwayne K. Handy  
**Company** UNITED STATES PATENT AND TRADEMARK OFFICE  
**Fax number** 1.571.273.8300  
**From** Bella Fishman  
**Date** December 12, 2006  
**Subject** US Patent Application No. 10/829,640  
Filing Date: April 22, 2004  
Varian Docket No. 04-02 US



**VARIAN**

**Pages** (including this sheet) 22

I, Debbie Kus, hereby certify that on December 12, 2006 this correspondence is being transmitted to Examiner, Dwayne K. Handy at the Centralized Facsimile No. 1.571.273.8300 at the US Patent and Trademark Office.

Debbie Kus 12/12/06  
Signature Date Signed

Please see the attached Response to the Office Action mailed October 4, 2006 for the above referenced patent application.

This fax transmission may be confidential and subject to attorney-client, attorney work product and/or other legal privileges. If you are not the intended recipient or the person responsible for delivery to the intended recipient, you may not read, use, copy or distribute this fax transmission. If you received this fax transmission in error, please immediately notify by telephone the person who sent it, and return to that person by mail the original transmission and any copies thereof.

If you have any problems receiving this fax transmission, please call (650) 424-4814.

*fax*

RECEIVED  
CENTRAL FAX CENTER

DEC 12 2006

Docket No.: 04-02 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Swon et al.

Serial No.: 10/829,640

Filed: April 22, 2004

Title: APPARATUS AND METHOD FOR  
AGITATING A SAMPLE DURING  
IN VITRO TESTING

Examiner: Handy, Dwayne K.

Art Unit: 1743

I, Debbie Kus, hereby certify that on December 12, 2006 this correspondence is being transmitted to Examiner Dwayne K. Handy by facsimile to the Centralized Facsimile No. at 1.571.273.8300 at the US Patent and Trademark Office.

Debbie Kus 12/12/06  
Signature Date Signed

Examiner, Handy, Dwayne K.  
Commissioner for Patents  
Centralized Facsimile No. 1.571.273.8300

AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

This is responsive to the Office Action dated October 4, 2006, for which a shortened statutory period for reply is set to expire on January 4, 2007. Favorable reconsideration of the Application is respectfully requested in view of the following Amendments and Remarks.

Amendments to the Specification begin on page 2.

Amendments to the claims are reflected in the listing of claims, which begins on page 5 of this paper.

Remarks begin on page 13 of this paper.